

Exhibit 9

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: INSULIN PRICING LITIGATION

THIS DOCUMENT RELATES TO:

The State of Utah, Utah Division of Consumer Protection v. Eli Lilly and Company, et al.

Case No. 2:24-cv-00536

**Case No. 2:23-md-03080
MDL No. 3080**

**JUDGE BRIAN R. MARTINOTTI
JUDGE RUKHSANAH L. SINGH**

**STATE OF UTAH, UTAH DIVISION OF CONSUMER PROTECTION
SUPPLEMENTAL DAO SUBMISSION
PURSUANT TO CMO #15**

Departments, Agencies or Offices Information

The Utah Plaintiffs (“Utah”) hereby supplement the initial identification of departments, agencies or offices (“DAO”) served December 26, 2024, that may possess information or documents responsive to the Plaintiff Fact Sheet (“PFS”) and whether such would be provided in the PFS response without the need for a Court order or subpoena. In this supplement, Plaintiffs set forth their position on additional DAO identified by Defendants (“additional DAO”). Plaintiff does not agree or concede that any of the additional DAO are necessary or relevant to the instant proceeding.

For each of the additional DAO, Plaintiff identifies the specific PFS questions requested by Defendants in their January 24, 2025 letter (“January 24 questions”) to which it will respond with a full reservation of rights.

<u>Initial Departments</u>	<u>Defendant Subpoena Needed</u>
Attorney General’s Office (“AGO”)	No
Public Employees Health Program (“PEHP”) (State Health Plan) ¹	No

¹ The Utah Plaintiffs have not asserted claims on behalf of PEHP, they do not represent PEHP and does not concede that PEHP is relevant to the instant proceedings. Plaintiffs include PEHP in this document given Judge Singh’s November 22, 2024 Ruling (Dkt. No. 655) and the parties’ negotiated agreement respecting the contents of this document. The Plaintiffs issued a Rule 45 subpoena to PEHP for the information required by the PFS and are working with PEHP counsel to provide the PFS responses for the PEHP.

Department of Health & Human Services	No (For Purposes of the Payor Database Only)
Utah Medicaid	Yes ²

<u>Additional DAO</u>	<u>Defendant Subpoena Needed</u>
Utah Department of Health and Human Services (“DHHS”) <ul style="list-style-type: none"> • Division of Integrated Health <ul style="list-style-type: none"> ◦ Medicaid • Division of Correctional Health Services • Office of Internal Audit • Office of Procurement and Contract Management 	Yes (see fn. #2) No ³ No (see fn. #3) No (see fn. #3)
Utah Board of Pharmacy (“BOP”)	No ⁴
Utah Retirement Systems <ul style="list-style-type: none"> • Public Employees Health Program (“PEHP”) <ul style="list-style-type: none"> ◦ Insulin Discount Program 	The Utah Plaintiffs have already provided PFS responses and documents for the PEHP, with a commitment to supplement. See fn #1.

² The Utah Plaintiffs have not asserted claims on behalf of State Medicaid, do not represent Utah Medicaid, and do maintain that Medicaid is irrelevant to the instant proceedings. The Utah Plaintiffs include Utah Medicaid in this document given that PFS questions 31 and 46 required information in the Medicaid Department’s possession, custody, and control. Defendants now seek broader responses from Medicaid to which Plaintiff does not agree.

³ The Utah Plaintiffs have not asserted claims on behalf of the DHHS Division of Correctional Health Services, Office of Internal Audit or Office of Procurement and Contract Management and do not concede that these DHHS sub-agencies are relevant to the instant proceedings. Plaintiffs include them here at Defendants’ request and in the spirit of cooperative discovery. Plaintiffs are issuing a Rule 45 subpoena to the DHHS that will cover any responsive information to State AG PFS Questions: 9-13, 15-21, 43-46, 52-54 and Document Requests 1-8 for these sub-agencies.

⁴ The Utah BOP is not expected to have possession, custody or control over the documents and information Defendants seek in their January 24 pharmacy- specific questions. Utah’s Division of Professional Licensing (“DOPL”) in the Utah Department of Commerce will have any responsive BOP documents and information. Plaintiffs have not asserted claims on behalf of the BOP or DOPL and does not concede that either are relevant to the instant proceedings. In the spirit of cooperative discovery and will a full reservation of rights, Plaintiff will issue a Rule 45 subpoena to the DOPL that will cover any responsive information to State AG PFS Questions 11-13, 32-34, 37-38, 50-51 and Document Request 6.

Utah Department of Government Operations • Division of Purchasing and General Services • Division of Human resources Management	Information and documents responsive to the January 24 letter will reside with the specific- responding departments.
Utah Department of Insurance	No ⁵
Utah Office of the State Auditor	No ⁶
Office of the Legislative Auditor General	No. ⁷

For those Departments, Agencies or Offices that possess responsive information or documents and for whom a subpoena is needed, the Utah Plaintiffs respond to the following questions:

(a) Basis for not providing such discovery

The Assistant Attorneys General who represent the Utah Plaintiffs do not represent Utah Medicaid; Utah Medicaid is an independent agency that is not part of the instant proceeding. Also, Utah Medicaid is represented by another set of Utah Assistant Attorneys General who operate in another department of the Utah Office of the Attorney General.

(b) Whether plaintiffs or its attorneys will be representing that entity if Defendants were to issue a R. 45 subpoena

⁵ The Utah Plaintiffs have not asserted claims on behalf of the Utah Insurance Department (“UID”) and do not concede that the UID is relevant to the instant proceedings. The Plaintiffs are issuing a Rule 45 subpoena to UID and will work with UID to timely answer the January 24 questions. Thus, with a full reservation of rights, no defendant subpoena is needed for answers to State AG PFS Questions: 11-13, 32-34, 37-38, 50-51 and Document Request 6 on behalf of the UID.

⁶ The Utah Plaintiffs have not asserted claims on behalf of the Office of the State Auditor and does not concede that the Auditor is relevant to the instant proceedings. The Auditor is listed here only at Defendants’ request and in the spirit of cooperative discovery. The Plaintiffs are issuing a Rule 45 subpoena to the Auditor and will work with the Auditor to timely answer the January 24 questions. Thus, with a full reservation of rights, no defendant subpoena is needed for answers to State AG PFS Questions: 11-13, 15, 23, 32-34, 37-38, 46, 50-51, 53-54, 56 and Document Request 6 on behalf of the Office of the State Auditor to the extent that such exist.

⁷ Plaintiffs do not represent the Office of Legislative Auditor General and has not asserted claims on behalf of same. However, with a full reservation of rights, plaintiffs will facilitate the production of responsive non-privileged information from the Office.

The Utah Plaintiffs, the Assistant Attorneys General who represent the Utah Plaintiffs, and its outside counsel will cooperate, and work collaboratively with, counsel for any Utah department that receives a R. 45 subpoena from Defendants.

(c) Whether Plaintiff will claim privilege between Plaintiff or its attorneys or that entity

Plaintiffs will claim all appropriate privileges between themselves and any Utah department regarding any subpoena Defendants might issue in this matter.

(d) Whether Plaintiff or its attorneys issues a legal hold notice to that entity.

The Utah AGO Consumer Protection Division does not represent Utah Medicaid and thus has no jurisdiction to issue or enforce a litigation hold to Utah Medicaid.

Dated: March 5, 2025

By: /s/ Joanne Cicala
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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2025, I emailed the foregoing to Ext-MDL-Insulin-AG-JDG@Kirkland.com as required by CMO #15.

s/ Joanne Cicala
Joanne Cicala